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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOCK EVANS FINANCIAL COUNSEL,
LTD.,

Petitioner,

v.

CHARLOTTE B. MILLINER,
individually and as trustee of the
Charlotte B. Milliner Trust dated January
30, 1997

Respondents.

Case No.: 15-cv-01926-TEH

MODIFIED
STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING DATE
AND EXTEND THE DEADLINE FOR
RESPONDENT'S RESPONSE TO, AND
PETITIONER'S REPLY IN SUPPORT OF,
PETITIONER'S VOLUNTARY MOTION
TO DISMISS

Judge: Thelton E. Henderson
Hearing Date: November 2, 2015
Hearing Time: 10:00 a.m.

1 Bock Evans Financial Counsel, Ltd. (“Petitioner”) and Charlotte B. Milliner, individually
2 and as trustee of the Charlotte B. Milliner Trust dated January 30, 1997. (“Respondent”),
3 (collectively “the Parties”) by and through their attorneys, hereby stipulate and jointly move as
4 follows, subject to Court approval:

5
6 **WHEREAS**, on September 24, 2015, Petitioner Bock Evans Financial Counsel, Ltd. filed
7 a Motion to Voluntarily Dismiss With Prejudice with a hearing date set for November 2, 2015
8 [Dkt. 16-1];

9 **WHEREAS**, on October 7, 2015, the Parties agreed, and Petitioner filed a notice, to
10 continue the hearing date on the Motion to Voluntarily Dismiss With Prejudice to November 9,
11 2015 at 10:00 a.m. [Dkt. No. 17];

12 **WHEREAS** a further case management conference is currently scheduled for that same
13 date, November 9, 2015, but at 1:30 p.m., and both parties believe it would be most efficient to
14 consolidate the motion to dismiss hearing with the case management hearing on November 9,
15 2015 at 1:30 p.m.;

16
17 **WHEREAS**, under Local Rule 7-3(a), the Respondent’s opposition to the Motion is due
18 on October 8, 2015, and Petitioner’s brief in support of its Motion is due on October 15, 2015;

19 **WHEREAS**, Respondent desires an additional 7 days—or until October 15, 2015—to
20 respond to the issues raised in the Motion, and Petitioner has no objection to such an extension of
21 time;

22
23 **WHEREAS**, Petitioner requests an extension of its deadline to file a reply brief to
24 October 22, 2015, and Respondent has no objection to such an extension of time;

25 **WHEREAS**, this extension will not interfere with the requested continued hearing date of
26 November 9, 2015, or any other matter calendared in this case; the Court will have ample time to
27

1 review the briefs prior to the hearing; no extensions have been requested in relation to the briefing
2 of the Motion to Dismiss; and there has been no trial date set.

3 **NOW, THEREFORE**, the Parties hereby stipulate and respectfully request that the Court
4 (a) continue the hearing date for the Petitioner's Motion to Dismiss to November 9, 2015 at 1:30
5 p.m.; (b) allow Respondent until October 15, 2015, to respond to Petitioner's Motion to
6 Voluntarily Dismiss, and (c) allow Petitioner until October 22, 2015, to allow a reply brief, if
7 necessary.
8

9 **IT IS SO STIPULATED.**
10

11 **Date:** October 8, 2015

12 By: /s/ Chuck Marshall

13 Chuck Marshall
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22 *Attorneys for Respondent*
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By: /s/ Katherine D. DiDinato

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Attorneys for Petitioner

ATTESTATION OF FILING

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Chuck Marshall, hereby attest that concurrence in the filing of this Stipulation and [Proposed] Order to Reschedule the Case Management Conference has been obtained from Katherine D. DiDinato with conformed signatures above.

Dated: October 8, 2015

By: /s/ Chuck Marshall

Chuck Marshall
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[PROPOSED] ORDER

Pursuant to the parties' stipulation and good cause appearing:

1. The November 2, 2015, hearing date in *Bock Evans Financial Counsel, Ltd. v. Charlotte Milliner*, Case No. 15-CV-01926-TEH, has been continued to November 9, 2105, at 10:00 a.m. ~~1:30 p.m. so as to be consolidated with the Case Management Conference set for that same date and time;~~

2. Respondent's deadline to oppose the Motion to Dismiss be extended through October 15, 2015; and

3. Petitioner's deadline to reply in support of the Motion to Dismiss be extended through October 22, 2015.

IT IS SO ORDERED.

DATED: 10/13, 2015

